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RUCNDT/USMISSION USUN NEW YORK 2701
RUEHNO/USMISSION USNATO 2845
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C O N F I D E N T I A L SECTION 01 OF 03 KABUL 003297

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STATE FOR SCA/FO DAS GASTRIGHT, SCA/A, S/CRS, SA/PB, S/CT,
S/WCI, L/PM
NSC FOR AHARRIMAN
OSD FOR BREZINSKI, DETAINEE AFFAIRS
CENTCOM FOR CFC-A, CG CJTF-76, POLAD

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TAGS: [PREL](#) [KWCR](#) [PHUM](#) [AF](#)

SUBJECT: DETAINEE DELEGATION MEETINGS FOCUS ON BTIF, PTS
TRANSFERS, LEGAL FRAMEWORK STATUS

REF: KABUL 2802

Classified By: Deputy Chief of Mission Richard Norland for reasons 1.4(b),(d).

¶1. (C) Summary: In July 23 meetings, a Washington-based detainee affairs delegation from the Departments of Defense and State discussed the status of detainee operations with ICRC representatives, members of the Afghan interagency working group, and political-military officers from ISAF command and member countries. The ICRC Country Director praised the material conditions at the BTIF and noted substantial improvement in the handling of detainees throughout the process. He said that ICRC believes that lack of clarity concerning their future status is a contributing factor to some detainees expressing increased feelings of stress. ICRC strongly advocated in favor of sharing more information with the detainees and permitting family visits. The delegation advised that the decision on family visits will be made in Washington and suggested that ICRC Afghanistan share its proposal with ICRC Washington. The group also encouraged the Coalition command to report through channels on any and all contributing factors related to implementing a family visit plan to ease this stress, including security, logistics, and financing. The meeting with the Afghan interagency group focused primarily on next steps regarding the Guantanamo detainees to be transferred back to Afghanistan through the reconciliation (PTS) program. Regarding the draft legal framework (reftel), while Ministry of Interior advisor Sabit said the document will be signed soon, post will

engage at the highest levels of the NSC to make sure it is briefed to President Karzai, and will continue to follow up until it is signed. End summary.

ICRC Praise for BTIF

¶2. (C) In the ICRC meeting, Country Director Reto Stocker opened the discussion with visiting detainee delegation by saying that in ICRC's view the material conditions of the Bagram Theater Internment Facility (BTIF) were very satisfactory. He cited respect for religious belief and practice, quality of food, recreation opportunities, and medical facilities. Stocker said that ICRC has made 105 visits to BTIF since the facility was opened (one every seven to 10 days), and that many of ICRC's original concerns have been addressed, particularly over the last two years. He said that in only one of 52 recent interviews was there any complaint of "rough handling." (The one case they considered to be a relatively minor incident occurring at point of capture.) He added that as far as ICRC can tell, detention procedure at firebases has improved dramatically. Stocker underscored that respectful treatment in the earliest stages builds trust that can lead to later benefits.

¶3. (C) Stocker did say that ICRC would be interested in receiving more information on the location of firebases, not because anyone from ICRC wanted to visit but because knowing the location of the

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initial detention would help their assessment. He said he realized there were security and operational considerations with regard to receiving this information.

Additional Information for Detainees

¶4. (C) Stocker said that in ICRC's view, the detainees at BTIF are showing increasing levels of stress and mental problems, leading to aggressiveness against both guards and ICRC visitors, due to their not receiving any information about "their fate." CFC/SJA COL Supervielle noted that CFC-A has recently received authority to inform the detainees in general on the options that may be used in processing cases, and that CFC-A will do so once details have been worked out.

Family Visits Request

¶5. (C) On the issue of family visits, Stocker made a strong pitch, saying that it would not only ease the mind of detainees, it would be a powerful tool against unfounded rumors of mistreatment that spread through the country, improve the reputation of the U.S. among the Afghan people, and help the GOA authorities who will be taking increasing responsibility for detainee operations. He said that ICRC would be willing to substantially assist in the information-sharing and logistics required for these visits, including informing and registering the families in advance of the visit, and offering financial assistance, including transportation to and from Bagram Air Base. COL Supervielle noted that a draft ICRC document detailing these arrangements is presently under review by CFC-A, and that CFC-A commander strongly supports family visits as he fully concurs with the IO benefits cited by the ICRC.

¶6. (C) BTIF Commander COL Miller said that her staff will be building a facility on BAF outside of BTIF for the PTS program that could accommodate both GOA and family visits with detainees. She said that she will work on ways to ensure that acceptable security standards are maintained.

¶7. (C) The U.S. delegation representatives said that they would take this information back to Washington, while noting that the decision would be made at a high level in accordance with an array of policy issues. They told Stocker that it would be helpful if ICRC Afghanistan could forward this commitment regarding financial and logistical support to the ICRC office in Washington, which has the lead in dealing with OSD/Detainee Affairs. Stocker said that was a good suggestion and agreed to do so. CFC-A also agreed to send back additional information, particularly regarding security arrangements, once it has been developed in country.

NDS Facilities

¶8. (C) On a separate subject, Stocker noted that,

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while he was not able to comment in detail in order to maintain ICRC's confidentiality, the National Directorate of Security (NDS) has made faster progress than other ministries (notably Ministry of Justice) in developing standards and procedures. He also noted that NDS appeared less corrupt than other ministries. Stocker said that ICRC has a good working relationship with NDS under its present Director General, Amarullah Saleh.

Afghan Interagency Group and Immediate Next Steps

¶9. (C) The Washington-based delegation met over lunch with the Afghan interagency team that had traveled to Guantanamo Bay to interview the detainees held there. It was a cordial meeting in which both sides reiterated their pledge to bring this task, agreed upon by both countries, presidents, to successful conclusion. Detailed discussion centered around the modalities for the transfer of the first two tranches of Guantanamo detainees back to Afghanistan to be handled under the reconciliation (PTS) process. A final list of 51 individuals that the GOA is requesting be transferred back through PTS has been finalized and will be forwarded by Embassy to Washington upon receipt. Discussion also included the timing and modalities of GOA access to Afghan detainees at Bagram in preparation of their transfer to the GOA.

¶10. (C) DOS/L Pelofsky queried Ministry of Interior legal advisor Sabit regarding the status of the draft legal framework that would provide a mechanism for determining the disposition of detainees transferred from Guantanamo/Bagram or taken off the battlefield and handed over to GOA (reftel). Sabit said that the draft had been finalized and should be approved "soon." (Note: Embassy and CFC-A have heard that the document may be stuck within the GOA. Ambassador raised the issue with Minister of Defense Wardak on the evening of July 23 - Wardak said that National Security Advisor Rassoul had the lead. Post will follow up with Rassoul over the next several days. Once the document has been briefed to President Karzai, Ambassador will raise the issue with him at the appropriate time. End note.)

Arrangements by ISAF Nations

¶11. (C) Finally, the group met with pol-mil representatives of ISAF countries operating in the south - Canada, UK, the Netherlands, and Australia - as well as the ISAF Acting POLAD and Legal Advisor, to discuss those countries, arrangements for dealing with combatants taken off the battlefield in light of the 96-hour rule required by most of these countries. While there were no taskings to come out of the meeting, it was informative in showing the difficulties these countries face when dealing with this issue, in the absence of a GOA facility and an adequately trained guard force.

¶12. (U) The visiting delegation has cleared this cable.
NEUMANN